

REMARKS

Claims 1, 2, 4, and 7-14 remain in the application and claims 1, 8, 9, 13, and 14 have been amended hereby. Claims 3, 5, and 6, have been cancelled, without prejudice or disclaimer

Reconsideration is respectfully requested of the rejection of claim 9 under 35 USC 101, as being directed to non-statutory subject matter.

It is respectfully submitted that independent claim 9 is clearly directed to statutory subject matter because it recites an apparatus having a plurality of interrelated elements.

It is well settled that, if a claim defines a useful machine by identifying the physical structure of the machine in terms of its hardware or hardware and software combination, it defines a statutory product. See, e.g., Lowry, 32 USPQ2d at 1034-1035; Warmerdam, 31 USPQ2d at 1760.

Further, in most cases, a claim to a specific machine will have a practical application in the technological arts. See, In re Alappat, 31 USPQ2d 1545, 1557 (Fed. Cir. 1994); State Street, 47 USPQ2d 1596, 1601 (Fed. Cir. 1998).

Furthermore, the guidelines set forth in MPEP Sec. 2106 state that only when the claim is devoid of any limitation to a practical application in the technological arts should it be rejected under 35 USC 101. Clearly claim 9 recites several limitations having practical applications in the technological arts.

Accordingly, it is respectfully submitted that claim 9, and the claims depending therefrom, recite statutory subject matter.

Reconsideration is respectfully requested of the rejection of claims 1-14 under 35 USC 103(a), as being unpatentable over Kim et al. in view of Benson.

Features of the copyright licensing process promoting apparatus according to the present invention are the destruction of a file before the file is transmitted to a communication network when a result of a file content determination is not valid. See steps S13 and S25 in Figs. 5 and 6, respectively, of the present application, for example.

Independent claims 1, 8, 9, 13, and 14 have been amended to recite these features of the present invention.

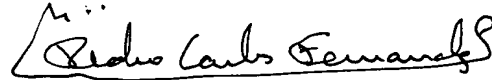
It is respectfully submitted that the combination of Kim et al. and Benson fails to show or suggest the destruction of a file before the file is transmitted to a communication network when a result of a file content determination is not valid. Kim et al. is merely prohibiting the recording or limiting the number of copies a VCR can make of a file, and Benson is merely preventing a user from forwarding a file to unauthorized users.

Accordingly, it is respectfully submitted that amended independent claims 1, 8, 9, 13, and 14, and the claims depending therefrom, are patentable distinct over Kim et al. in view of Benson.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,

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A handwritten signature in dark ink, appearing to read "Jay H. Maioli", written over a horizontal line.

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